

PROB 12B  
(12/98)

## United States District Court

for

District of Southern Ohio

### Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: **Devant Terrell Geter**

Case Number: **1:00CR00045**

Name of Sentencing Judicial Officer: **The Honorable Susan J. Dlott  
United States District Judge**

Date of Original Sentence: **December 14, 2000**

Original Offense: **Conspiracy to Distribute Cocaine, a class A felony.**

Original Sentence: **46 months BOP confinement, 5 years supervised release**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **June 13, 2004**

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### PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.  
☒ To modify the conditions of supervision as follows:

**The supervised releasee shall reside in a halfway house facility for a period not to exceed 180 days in the work release component. While in the program, the supervised releasee shall abide by all of the rules and regulations of the program, participate in the required programming, and shall be cooperative and compliant with the program's staff.**

### CAUSE

From July 2004 until May 2005, Geter falsified his monthly supervision reports to indicate he was gainfully employed by Pride Cast Metals, when in fact, he had been terminated in July 2004. Geter would regularly indicate he forgot his paystubs during our monthly meetings, and then would again seemingly forget to bring them in later by his account. This officer contacted Pride Cast Metals, who verified the termination due to returning late from breaks. This officer provided Geter with several opportunities to change his story and tell the truth, but Geter maintained his position until he was confronted with the verification.

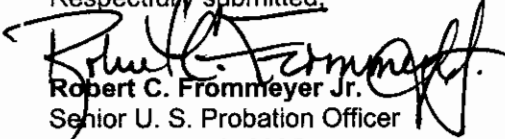
This officer discovered this behavior shortly after the Court granted the exception clause twice and an electronic monitoring modification for having more than three positive urine screens in a one year period. Although Geter's urine screens have been clean since the second exception clause was granted, an increased sanction is justified based on the lies and falsification that occurred over an extended period.

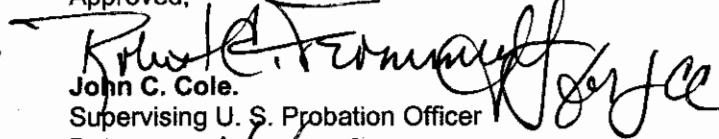
This officer met with Geter a second time after confronting him on the falsification of his monthly reports, and presented a six month halfway house modification as a sanction. This officer explained to Geter in detail his

rights to consult with counsel before making any decision and to a modification hearing represented by counsel. Geter stated he understood his rights completely, but stated he wanted to waive those rights as he was in agreement with the modification. He then read the waiver form, and voluntarily signed it.

It should be noted, Geter and his wife are separating, and his wife's house is being sold. She is moving to Florida with their children. Geter will not have a residence of his own, so the halfway house will allow him to save money for his own residence in addition to serving as a sanction.

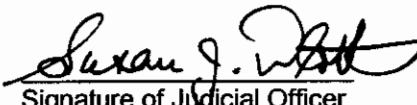
Based on the violation conduct, his agreement with the modification, and his marital situation, this officer is respectfully recommending the Court grant the modification as stated above. Please find the signed waiver form attached to this petition.

Respectfully submitted,  
by   
Robert C. Frommeyer Jr.  
Senior U. S. Probation Officer  
Date: June 3, 2005

Approved,  
by   
John C. Cole  
Supervising U. S. Probation Officer  
Date: 6/3/05

THE COURT ORDERS:

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other

  
Signature of Judicial Officer  
6/9/05  
Date

PROB 49


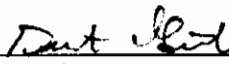
**UNITED STATES DISTRICT COURT  
Southern District of Ohio**

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

**The supervised releasee shall reside in a halfway house facility for a period not to exceed 180 days in the work release component. While in the program, the supervised releasee shall abide by all of the rules and regulations of the program, participate in the required programming, and shall be cooperative and compliant with the program's staff.**

Witness:  Signed:   
U.S. Probation Officer Probationer or Supervised Releasee

May 11, 2005

DATE